

COUNTY COUNCIL

73 - 57

OF

HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-31

Bill No. 73-57 (as amended)

Introduced by Mr. John Walsh

~~XXXXX~~

AN EMERGENCY ACT to repeal and re-enact with amendments, Article 21 of Ordinance 6 of Harford County, Maryland, titled, "Zoning Ordinance", subtitled, "District Changes and Other Amendments", to be under the new title, "Cyclic Method for Processing Rezoning Applications"; and to repeal and re-enact with amendments, subsection 20.2 entitled, "Hearing Examiners" of Article 20, Ordinance 6; and to repeal and re-enact, with amendments, paragraph 20 of Ordinance 22 of Harford County, Maryland, title, "Schedule of Fees"; to establish a system for processing rezoning applications on a cyclic basis; to provide the procedure for hearing of rezoning cases before the Hearing Examiner with subsequent certification of all rezoning thereunder by the County Council of Harford County; to provide for the procedure for handling decisions rendered by the Hearing Examiner in Board of Appeals cases; to revise the fees for the processing of rezoning applications; to provide for exemptions from the regular cyclic rezoning procedure; to provide for appeals from zoning reclassification decisions, and generally relating to rezoning application procedures under a cyclic method.

By the Council October 16, 1973

Introduced, read first time, ordered posted and public hearing scheduled on
November 8, 1973, at 7:30 P.M. in the
Council Hearing Room, Bel Air, Maryland.

By order, Unogwe B. J. Luster, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing

and Title of Bill having been published according to the Charter, a public

1 Section 1. Be It Enacted by the County Council of Harford County,
2 Maryland, that Article 21 of Ordinance 6 of Harford County,
3 Maryland, title, "District Changes and Other Amendments", be, and
4 it is hereby repealed and re-enacted, with amendments, to be under
5 the new title, "Cyclic Method for Processing Rezoning
6 Applications"; and that Subsection 20.2 entitled, "Hearing
7 Examiner", of Article 20, Ordinance 6, be, and it is hereby,
8 repealed and re-enacted, with amendments; and that Paragraph 20
9 of Ordinance 22 of Harford County, Maryland, title, "Schedule of
10 Fees", be, and it is hereby, repealed and re-enacted, with
11 amendments, all to read as follows:

12 ARTICLE 20 - BOARD OF APPEALS

13 20.2 HEARING EXAMINERS. The Board of Appeals may employ
14 Hearing Examiners to hear cases normally heard by the Board. In
15 the event the Board employs Hearing Examiners, the County Council
16 may provide that the Hearing Examiner make a final decision
17 appealable to the Circuit Court; or the County Council may pro-
18 vide that an appeal may be taken to the Board of Appeals from the
19 decisions of the Hearing Examiner.

20 ARTICLE 21 - CYCLIC METHOD FOR PROCESSING REZONING APPLICATIONS

21 21.1 APPLICATION. An application for a zoning reclassifica-
22 tion of any property located in Harford County shall be submitted
23 to the Executive Branch, in triplicate, on forms provided by the
24 Department of Planning and Zoning and shall include but not be
25 limited to the following information:

26 (1) The names and addresses of the applicants and of all
27 persons having more than a five percent (5%) legal or equitable
28 interest in the property; including, but not limited to: the
29 applicants, contract purchasers, mortgagees, optionors, partners,

1 the application, excepting shareholders of those corporations
2 which are listed and regularly traded on a recognized national
3 stock exchange.

4 (2) The Election District and Community wherein the
5 property is located; the street and number, where available; the
6 size of servicing streets and roads; and the closest public
7 street or road intersection.

8 (3) A title reference or a description by metes and
9 bounds, courses and distance.

10 (4) The present zoning classification and the classifi-
11 cations proposed by the applicant.

12 (5) The area in square feet or acres.

13 (6) The dates of any previous applications for zoning
14 reclassification and the action taken thereon during the
15 preceding three (3) years for any part of the land included in
16 the application.

17 (7) The names and addresses of all persons, organizations,
18 corporations, or groups owning land, any part of which lies
19 within five hundred (500) feet of the property proposed to be
20 reclassified.

21 (8) A statement of the reasons why, in the applicant's
22 opinion, the zoning reclassification sought should be granted.

23 (9) A statement as to whether or not there is an
24 allegation of mistake as to the existing zoning and, if so, the
25 nature of the mistake and facts relied upon to support this
26 allegation.

27 (10) A statement as to whether or not there is an
28 allegation of substantial change in the character of the neighbor-
29 hood and, if so, a precise description of such alleged substantial

1 Harford County Comprehensive Plan and the reasons for the opinion.

2 (12) Plans.

3 (a) Site Plans. Three (3) site plans shall be
4 submitted by the applicant at the time the application is filed.

5 The plans may be:

6 (i) A photo copy of the current tax maps
7 showing the property; or

8 (ii) A plan prepared and/or sealed by a
9 registered land surveyor showing by metes and bounds, courses
10 and distances, the land to be reclassified; or

11 (iii) A photo copy of a recorded subdivision
12 plat showing the property to be rezoned.

13 (b) Location Plans. Location plans shall be
14 submitted showing all the land lying within one-fourth (1/4) mile
15 of the land proposed to be reclassified, together with existing
16 zoning classification of all such land and all streets, roads,
17 parks, public facilities, and sewer and water lines, one hundred
18 (100) year flood plains, topographic information sufficient to
19 indicate the nature of the land including wooded areas, streams
20 and any sites identified on the Harford County Comprehensive
21 Plan as future proposed areas for roads, schools, parks or other
22 public facilities. PROVIDED, HOWEVER, THAT UPON REQUEST OF THE
23 APPLICANT, THE EXECUTIVE BRANCH MAY DISPENSE WITH THE REQUIREMENT
24 OF LOCATION PLANS IN THOSE CASES DEEMED TO BE REZONINGS THAT ARE
25 MINOR IN THEIR IMPACT UPON THE COMMUNITY. REZONINGS THAT ARE
26 MINOR IN NATURE SHALL BE DETERMINED IN ACCORDANCE WITH THIS LAW
27 AND ANY RULES AND REGULATIONS PROMULGATED BY THE EXECUTIVE BRANCH
28 FOR THE PROCESSING OF REZONING APPLICATIONS.

29 (c) The plans referred to above may be consolidated

21.2 FILING SCHEDULE. For the purpose of considering contemporaneous zoning reclassification applications in relation to each other according to a schedule, the following schedule is established:

	CYCLE I	CYCLE II
Step I	Dec. 16 to Jan. 31	June 16 to July 31
Step II	Feb. 1 to March 15	Aug. 1 to Sept. 15
Step III	Mar. 16 to April 30	Sept. 16 to Oct. 30
Step IV	May 1 to June 15	Nov. 1 to Dec. 15
	<u>CYCLE I</u>	<u>CYCLE II</u>
STEP I	<u>MAR. 16 TO APR. 31</u>	<u>SEPT. 16 TO OCT. 31</u>
STEP II	<u>MAY 1 TO JUNE 15</u>	<u>NOV. 1 TO DEC. 15</u>
STEP III	<u>JUNE 16 TO JULY 31</u>	<u>DEC. 16 TO JAN. 31</u>
STEP IV	<u>AUG. 1 TO SEPT. 15</u>	<u>FEB. 1 TO MAR. 15</u>

Zoning reclassification applications must be completed in accordance with Section 21.1 and shall be filed with the Executive Branch no later than fifteen (15) days before the beginning of Step I of each cycle. Each application must be accompanied by the appropriate fees required by Section 21.10.

21.3 STEP I. During Step I of each cycle, the Director of Planning shall consider each application individually and how it relates to other applications and shall prepare a report setting forth, at least, the following information:

(1) Zoning District Maps and other maps showing all properties proposed to be reclassified, together with the classification sought, as well as existing classifications of all lands within the district. Such maps may show the inter-relationship of proposed rezoning classifications with respect to planning considerations.

1 include, but not limited to, any data and recommendations sub-
2 mitted by other County agencies.

3 (4) Any reports or communications to or from any public
4 officials or agency concerning any of the applications.

5 (5) Any documents or communications submitted in regard
6 to any application.

7 (6) Recommendations for the scheduling of public hearings
8 in Step IV.

9 21.4 STEP II. During Step II, the Planning Advisory Board
10 shall consider the report of the Director of Planning and such
11 other information as presented by the Department of Planning and
12 Zoning, if the Director of Planning refers the applications to
13 the Board. The Planning Advisory Board shall complete its
14 consideration of the Planning Director's report and return the
15 report with its own recommendations, if any, to include specific
16 reasons for any recommendations at variance with those of the
17 Director of Planning. The Director of Planning shall transmit
18 his report and any recommendations of the Planning Advisory
19 Board to the Hearing Examiner, before the end of Step II. UPON
20 THE RECOMMENDATION OF THE DIRECTOR OF PLANNING, THE COUNTY
21 EXECUTIVE MAY EXTEND STEP II FOR A PERIOD OF FIFTEEN (15) DAYS.

22 21.5 STEP III. Upon receipt of the recommendation of the
23 Director of Planning, the Hearing Examiner shall proceed WITH
24 THE HEARING OF CASES in accordance with the Rules of Procedure
25 for the Processing and Hearing of applications in zoning cases
26 as adopted by the County Council of Harford County, as amended
27 from time to time.

28 21.6 STEP IV.

29 (1) The Hearing Examiner shall ~~commence~~ CONTINUE holding

1 The Hearing Examiner shall, no later than thirty (30) days after
2 completion of the public hearing, file his recommendation and
3 the record with the County Council, as provided in the Rules of
4 Procedure for the Processing and Hearing of Zoning Cases.

5 (2) The County Council shall process the cases received
6 from the Hearing Examiner in accordance with the Rules of
7 Procedure for the Processing and Hearing of Zoning Cases adopted
8 by the County Council.

9 21.7 EXEMPTIONS. In any case where the Director of Planning
10 and the Planning Advisory Board recommend to the County Council
11 that early action upon a zoning reclassification application is
12 manifestly required by sound planning practice and is in the best
13 interest of the public; or because an emergency exists and the
14 County Council, by an affirmative vote approves said
15 recommendation, such petition shall be exempted from the regular,
16 cyclic procedure. If the Council approves the recommendation,
17 the Hearing Examiner shall schedule a public hearing for a date
18 not less than thirty (30) nor more than sixty (60) days after
19 the Council's action. For a period of at least fourteen (14) days
20 prior to the time of such hearing, notice of the time and place
21 of the hearing relating to the property under petition shall be
22 conspicuously posted thereon. Notice shall be published as
23 required by Section 704 (b) of the Charter of Harford County,
24 Maryland. Such notice shall describe the property under
25 application and the action requested therein.

26 21.8 SUBSEQUENT PETITIONS. After an application for a zoning
27 reclassification has been acted upon by the County Council, the
28 same property (or any portion thereof) may not be the subject of
29 an application for zoning reclassification, filed for substantially

21.9 AMENDMENTS AND WITHDRAWALS. After an application for a zoning reclassification has been filed with the Department of Planning and Zoning, no amendment or modification to such application shall take place without the prior approval of the Department of Planning and Zoning or the body or officer scheduled to hear the case. An application may be allowed to be withdrawn at any time and, in such event, any filing fee paid shall be forfeited.

21.10 FEES.

(1) The following filing fees shall be paid by the applicant at the time of filing of his application with the Executive Branch to meet the cost of processing zoning reclassification applications:

Acreage:	50 Acres & Below	51-100 Acres	101-200 Acres	200 Acres & Above
Amount:	\$5/Acre	\$4/Acre	\$3.50/Acre	\$3/Acre

In no event shall an applicant be required to pay more than the minimum fee required for the next highest acreage grouping, nor less than Fifty Dollars (\$50.00) per application.

(2) In addition to the above fees, a minimum publication fee of Ninety Dollars (\$90.00) shall be paid at the same time the filing fees are paid. However, the applicant is responsible for the payment of all ADDITIONAL publication fees prior to the scheduled hearing before the Hearing Examiner. If no publication of any kind is made, all publication fees shall be returned to the applicant upon certification of such right by the Hearing Examiner.

21.11 NONCOMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

Notwithstanding any other penalties provided for by law, the

1 zoning reclassification. When the provision of this Section is
 2 used as a basis for denying an application, the officer or body
 3 shall state specifically the noncompliance of the applicant.

4 21.12. APPEALS TO CIRCUIT COURT. Any person aggrieved by any
 5 final decision of the County Council on an application for zoning
 6 reclassification shall have the right to appeal that decision
 7 to the Circuit Court for Harford County and shall have the
 8 further right to appeal to the Court of Appeals of Maryland. The
 9 words, "person aggrieved", shall be liberally construed to sub-
 10 stantially broaden that class of persons and shall be interpreted
 11 to effectuate the general purposes of rezoning matters.

12 21.13. SEVERABILITY. If any provision of this subtitle or the
 13 application thereof to any person or circumstance is held
 14 invalid for any reason, the invalidity shall not affect the other
 15 provisions or any other application of this subtitle which can
 16 be given effect without the invalid provisions or applications,
 17 and to this end all of the provisions of this subtitle are
 18 declared to be severable.

19 ORDINANCE 22

20 SCHEDULE OF FEES

21 20. REZONING

22	A. Land	50 Acres & Below	51-100 Acres	101-200 Acres	201 Acres & Above
23					
24		\$5/Acre	\$4/Acre	\$3.50/ Acre	\$3/Acre
25					

26 IN NO EVENT SHALL AN APPLICANT BE REQUIRED TO PAY MORE
 27 THAN THE MINIMUM FEE REQUIRED FOR THE NEXT HIGHEST ACREAGE
 28 GROUPING, NOR LESS THAN FIFTY DOLLARS (\$50.00) PER APPLICATION.

29 (Minimum Fee \$50.00 per application)

1 immediate preservation of the public health, safety, welfare
2 and property and to insure coordinated and orderly control over
3 the rapid development and growth of the County, and shall take
4 effect on the date it becomes law.

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6 Effective Date: December 27, 1973

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LIBER 1 PAGE 304

BY THE COUNCIL

Read the third time.

Passed DECEMBER 11, 1973 - LSD 73-37 (With Amendments)

~~Failed 7/77 Passage~~

By order

Benjamin B. Johnston, Secretary

Sealed with the County Seal and presented to the County Executive for his approval this 12TH day of DECEMBER, 1973 at 11:30 o'clock A.M.

Benjamin B. Johnston, Secretary



BY THE EXECUTIVE

APPROVED:

Charles B. Anderson, Jr., County Executive

Date 12-27-73

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council,